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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,755

02/20/2004

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Arendt.S-03

7402

22197 7590 05/11/2006

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/783,755	Applicant(s) GOODLETT ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorak (U.S. Pat. No. 2,975,271) in view of Blum (U.S. Pat. No. 3,183,343).

Dvorak discloses an illuminated standoff apparatus comprising: a base 4, 17 providing a recess, a source of illumination 7, 8 engaged with the base within the recess, an integral elongated stud 20 outwardly from the recess and having first means for attachment (threads), a light transmissive cylindrical sidewall 16 open at opposing ends so as to define first and second peripheral lips, and a cap 46 having an annular groove that receives the second peripheral lip and a clearance hole. The cap 46 has a receiver enabled for engaging one of a robe hook, towel rod, and toilet paper roll rod.

Dvorak does not disclose second means for attachment threadedly engaging the free end of the elongated stud.

Blum teaches connecting a stud, cap 79, and sidewall 65 so that a compressive force can be applied to the elements using a screw 80 extending through a clearance

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hole in cap 79, threadedly engaging the free end of the stud, and covering the clearance hole when assembled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Dvorak with a screw (second means for attachment) threadedly engaging threads (first means for attachment) in the free end of the stud 20 as taught by Blum at least to cover the stud-receiving clearance hole in cap 46 for improved appearance. The second means for attachment of the modified device of Dvorak would threadedly engage the free end of the elongated stud within the clearance hole in cap 46.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorak in view of Blum as applied to claim 14 above, and further in view of Braly (U.S. Pat. No. 4,204,271).

Dvorak does not disclose moisture excluding means fitted between at least one of the cap and cylindrical sidewall and the cylindrical sidewall and the base.

Braly teaches providing gaskets 52, 82 between a sidewall and base and sidewall and cap of a light fixture.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Dvorak with a gasket between the base and sidewall and the sidewall and cap as taught by Braly to adapt the apparatus for use in moist environments.

Response to Arguments

Applicants' arguments filed 3/3/06 have been fully considered but they are not persuasive.

Applicants argue that neither Dvorak or Braly teaches a convergent sidewall and an annular groove in a cap as recited in claim 14. However, the sidewall 16 in Dvorak is convergent. Wall 15 of sidewall 16 converges toward cap 46. Cap 46 has an annular groove (having a V-shaped cross section as seen in Fig. 1) that receives the second peripheral lip of the sidewall 16. Further, Blum teaches modification of the connection of the cap to the stud 20 to provide the claimed second means for attachment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the amendment to include the limitation of the second means for attachment threadedly engaging the free end of the elongated stud within the clearance hole in the cap in claim 14. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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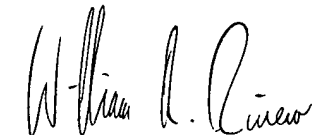
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


sjh
5/8/06



WILLIAM A. RIVERA
PRIMARY EXAMINER